



## Periodic Review / Retain Regulation Agency Background Document

<b>Agency name</b>	Board for Contractors
<b>Virginia Administrative Code (VAC) citation</b>	18 VAC 50-30
<b>Regulation title</b>	Board for Contractors Individual License and Certification Regulations
<b>Document preparation date</b>	December 21, 2011

This form is used when the agency has done a periodic review of a regulation and plans to retain the regulation without change. This information is required pursuant to Executive Orders 14 (2010) and 58 (1999).

### Legal basis

*Please identify the state and/or federal legal authority for the regulation, including (1) the most relevant law and/or regulation, and (2) promulgating entity, i.e., agency, board, or person.*

Code of Virginia § 54.1-201.5 gives authority to the Board which states, in part, that the Board has the power and duty "To promulgate regulations in accordance with the Administrative Process Act (§ [2.2-4000](#) et seq.) necessary to assure continued competency, to prevent deceptive or misleading practices by practitioners and to effectively administer the regulatory system administered by the regulatory board." § 54.1-1102 of the Code of Virginia provides the authority for the Board to promulgate regulations for the licensure of tradesman, gas fitter, certified elevator mechanics, backflow prevention device workers and water well systems providers in the Commonwealth.

### Alternatives

*Please describe all viable alternatives for achieving the purpose of the existing regulation that have been considered as part of the periodic review process. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving the purpose of the regulation.*

No viable alternatives for achieving the purpose of the existing regulation could be determined. The regulation enables the Board to fulfill the statutory requirements established in Chapters 2 and 11 of Title

54.1 of the *Code of Virginia*. Further, the regulation is necessary to ensure that the Board’s statutory requirements are executed in the least burdensome and most efficient and cost effective manner possible while protecting the health, safety, and welfare of the citizens of Virginia

**Public comment**

*Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.*

<b>Commenter</b>	<b>Comment</b>	<b>Agency response</b>
Michael G Frizell, Catbird Seat Associates LLC	<p>Suggest changing the tradesman license term from two to three years.</p> <p>Note – This comment was inadvertently posted to 18 VAC 50-22 Board for Contractors Regulations rather than 18 VAC 50-30 Board for Contractors – Individual License and Certification Regulations.</p>	<p>The Board for Contractors adopted to retain the regulation without change. The Board is mandated to comply with the provisions of the § 54.1-113 of the Code of Virginia, which requires a biennial review of fees to determine whether or not an adjustment to fees is required. The switch to a three year license would reduce the accuracy of biennial budget projections making it difficult to accurately determine fee requirements. Additionally, the increase to a three year licensing cycle would require an adjustment to fees, which could be perceived as a fee increase. After reviewing the request the Board has determined that changing the tradesman licensure term is not feasible at this time.</p>

An informal advisory group was not formed for purposes of assisting in the periodic review.

**Effectiveness**

*Please indicate whether the regulation meets the criteria set out in Executive Order 14 (2010), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.*

The regulation meets the criteria set forth in Executive Order 14 (2010). The regulation establishes the education, examination, and experience requirements to become a Virginia licensed tradesman, gas fitter, certified elevator mechanic, backflow prevention device worker and water well systems provider. The regulation requirements provide minimum competency standards to provide necessary public protection. The regulation is clearly written and understandable.

## Result

*Please state that the agency is recommending that the regulation should stay in effect without change.*

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The agency is recommending that the regulation stay in effect without change.

## Small business impact

*In order to minimize the economic impact of regulations on small business, please include, pursuant to § 2.2-4007.1 E and F, a discussion of the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, include a discussion of the agency's determination whether the regulation should be amended or repealed, consistent with the stated objectives of applicable law, to minimize the economic impact of regulations on small businesses.*

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- 1) Code of Virginia §§ 54.1-201.5 and 54.1-1102 mandates the Board for Contractors to promulgate regulations. The continued need for the regulation is established in statute. Repeal of the regulation would remove the current public protections provided by the regulation. The regulation does not have an adverse economic impact on small businesses nor individual licensure or certification. Rather, the regulation allows individuals who meet specific minimum competencies to become licensed or certified in Virginia.
- 2) One comment was received during the public comment period that suggested changing the license term for tradesman.
- 3) The regulation is clearly written and is easily understandable.
- 4) The regulation does not overlap, duplicate or conflict with federal or state law or regulation.
- 5) The most recent evaluation occurred in 2010 which resulted in amendments to increase fees in order to ensure that the Board for Contractors remains in compliance with § 54.1-113 of the Code of Virginia. The fee amendment went into effect April 1, 2010. Currently, a proposed amendment to the regulation is pending executive branch review to include "Certified Accessibility Mechanics" among its regulant population pursuant to Acts of the 2010 General Assembly. The proposed amendment also includes an endorsement for "limited Use/limited application" elevators. There is also, a fast-track amendment that is pending executive branch review. The emergency amendment creates residential building energy analysts licensure for individuals pursuant to Acts of the 2010 General Assembly. No changes, including changes in technology and economic conditions, have been identified that would affect licensed individuals seeking licensure as a Building Energy Analyst, or "Certified Accessibility Mechanic".

The Board discussed the regulation and, for the reasons stated in this section, determined that the regulation should not be amended or repealed, but should be retained in its current form.

### Family impact

*Please provide an analysis of the regulation's impact on the institution of the family and family stability.*

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No impact on the institution of the family and family stability has been identified.